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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/385,597

08/30/1999

JAMES A. PARKER

283_205CIP

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10/05/2004

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EXAMINER

LE, UYEN CHAU N

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/385,597

Applicant(s)

PARKER ET AL.

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 61-70 and 84-96 is/are allowed.
- 6) ☒ Claim(s) 71-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3804, 71404</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Amendment filed 14 July 2004.

Claim Objections

2. Claim 71 is objected to because of the following informalities:

Re claim 71, line 2: Substitute "a optical reader" with -- an optical reader --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 71 and 73-76, 79-80 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck et al (US 5,410,141) in view of Davis et al (US 4,721,849) and Banerjee et al (US 6,292,181).

Re claim 71, 76, 79-80 and 83: Koenck et al discloses a system comprising: an optical reader 10 including a CCD (figs. 10 & 19; col. 17, lines 23-33 and col. 19, lines 31+), which serves as an imaging assembly, a display 13, a keyboard 14 (fig. 11), an acoustic output device (col. 25, lines 12+) and a controller 212 configured to capture image data and decode (i.e., via decode circuit 467) decodable bar code symbols therein (fig. 19), the optical reader 310 further including a hand held housing encapsulating the imaging assembly and the controller, the hand held housing further supporting said display and said keyboard (fig. 11); and a host processor 74 spaced apart from optical reader 310 (fig. 9), wherein the hand held housing is adapted to be held in a human hand so that the optical reader is moveable between a variety of orientations and distances with respect to said host processor (fig. 11).

Koenck et al fails to teach or fairly suggest the system is configured so that in a first mode the host processor sends to the optical reader a beeper control instruction, wherein the optical reader substantially on receipt of the beeper control instruction actuates the acoustic output device so that the acoustic output device emits a series of beeps.

Davis et al teaches an acoustic output device 46 of a portable code reader responds to a series of beep commands subsequently given by the host computer (fig. 6; col. 6, lines 42+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Davis et al into the system as taught by Koenck et al in order to provide Koenck et al with a capability to ensure that the communication

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between the portable reader and the host computer is proper (i.e., a series of beeps would alert the operator to correct any improper connections) before transmitting information data, and thus providing an accurate system.

Koenck et al as modified by Davis et al fails to teach or fairly suggest that the system is further configured so that in a second mode the host processor sends to the optical reader a display control instruction, wherein the optical reader substantially on receipt of the display control instruction causes a predetermined indicia to be displayed on the display.

Banerjee et al teaches a host computer provides commands over a wireless link for displaying images on a display device of a hand held device (col. 11, lines 12-14 and col. 15, lines 17-20).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Banerjee et al into the system as taught by Koenck et al/Davis et al in order to provide a user a capability to view stored image data in order to verify the accuracy of scanned images, and thus providing an accurate system.

Re claim 73: the acoustic output device is a speaker (Koenck et al: col. 25, lines 1-16).

Re claim 74: the imaging assembly includes a two-dimensional solid-state image sensor (Koenck et al: figs. 10 & 19; col. 17, lines 23-33 and col. 19, lines 31+).

Re claim 75: the display is provided by a liquid crystal display (Koenck et al: fig. 2; col. 6, lines 24-42).

6. Claims 72, 77-78 and 81-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenck et al as modified by Davis et al and Banerjee et al as applied to claim 71 above, and

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further in view of Roslak (US 5,825,002). The teachings of Koenck et al as modified by Davis et al and Banerjee et al have been discussed above.

Re claims 72, 77-78 and 81-82: Koenck et al/Davis et al/Banerjee et al have been discussed above, and further discloses the optical reader further includes a light source 440 (Koenck et al: fig. 19), maker beam flashed to signal a successful read of each successive item (Koenck et al: col. 26, lines 57+); but fail to teach or fairly suggest that the system is configured so that the host processor in a further mode sends to the optical reader a light source control instruction, the optical reader substantially on receipt of the light source instruction causes the light source to flash on and off.

Roslak teaches a bar code reader 40 is provided with a flashing light 42 to assist customer, wherein the flashing light 42 is activated by a host computer (fig. 2; col. 3, lines 27+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Roslak into the system as taught by Koenck et al/Davis et al/Banerjee et al in order to provide Koenck et al/Davis et al/Banerjee et al with the ability to alert/indicate to the user that the reader/device is ready for operating/scanning or to indicate a successful scan, and thus providing an accurate system.

Allowable Subject Matter

7. Claims 65-70 and 84-96 are allowed.
8. The following is an examiner's statement of reasons for allowance:

The prior art of records to Koenck et al, Davis et al, Banerjee et al, Roslak and all other cited references, taken alone or in combination, fails to teach or fairly suggest the specific

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structure or the method of an optical reader in communication with a spaced apart host processor comprising, among other things, the optical reader is configured to operate in a first mode in which the optical reader receives from the spaced apart host processor a trigger instruction, wherein the controller substantially on receipt of the trigger instruction stores a frame of image data into said memory, and automatically attempts to decode a decodable bar code symbol represented in said frame of image data; wherein the optical reader is further configured to operate in a second mode in which the optical reader receives from said spaced apart processor a frame upload instruction, wherein the controller substantially on receipt of the frame upload instruction uploads a last captured image data of the reader to the spaced apart host processor as set forth in the claimed combinations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

9. Applicant's arguments with respect to claims 71-83 have been considered but are moot in view of the new ground(s) of rejection.

Newly cited references to Davis et al, Banerjee et al and Roslak were used in the new ground of rejection to further meet the limitations of the newly added claims 71-83.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Ju et al (US 5,714,745); Main et al (US 5,216,233); Matsumoto et al (US 5,157,773); Cherri et al (US 4,807,202); Bertrand (US 5,552,989) are cited as of interest and illustrate to a similar structure of an optical reader system comprising local host and optical reader.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon, Wed. and Fri. 5:30AM-6:00PM.

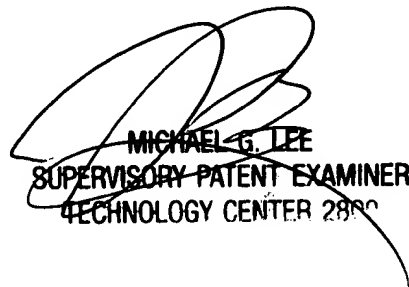
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL G LEE can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le
September 23, 2004



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2876